

Improvement Res. No. 1317-72

Resolution Adopted:

Apr. 10, 1973

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Aug. 10, 1972

B.O. 52-72

DECLARATORY RESOLUTION NO. 1317-1972

for the condemnation of right of way for street purposes across the south thirty (30) feet of the east 660 feet of the west 1233.5 feet of the south 541 feet of the east one-half of the northwest quarter of Section 23, Township 31 north, Range 12 east, to be known as Ley Road.

ADOPTED: Thursday, April 10, 1972

ADVERTISE NOTICE TO PROPERTY OWNERS: Apr. 14 & 21, 1972

NOTICES MAILED: April 21, 1972

HEARING ON CONFIRMATION: Thurs. May 4, 1972 at 3:30 p.m.

CONFIRMED: May 4, 1972

ASSESSMENT ROLL ORDERED: May 4, 1972

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION OF ASSM'T ROLL: Thurs. Jul. 6, '72
at 3:30 p.m.

NOTICE SERVED: June 22, 1972

ASSESSMENT ROLL CONFIRMED: Thurs. July 20, 1972

ASSESS. ROLL CONFIRMED: Aug. 10, 1972
at 9 a.m.

Cont. to Jul. 20, 72
at 3:30 p.m.

May 4, 1972 remonstrance received.

For the ~~Vacation—Opening—~~Condemnation of right of way for ~~utility—purposes—~~^{street} purposes across the south thirty (30) feet of the east 660 feet of the west 1233.5 feet of the south 541 feet of the east one-half of the northwest quarter of Section 23, Township 31 north, Range 12 east, to be known as Ley Road.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to ~~condemn right of way for street purposes across the south thirty (30) feet of the east 660 feet of the west 1233.5 feet of the south 541 feet of the east one-half of the northwest quarter of Section 23, Township 31 north, Range 12 east, to be known as Ley Road.~~

All as shown by a plan of such proposed ~~Vacation—Opening—~~Condemnation of right of way for ~~utility—~~^{street} purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The opening of said street is to be made by condemning and appropriating for street purposes the property described above.

The cost of said ~~Vacation—Opening—~~Condemnation of right of way for ~~utility—~~^{street} purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation—Opening—~~Condemnation of right of way for ~~utility—~~^{street} purposes is described as follows: The east 660 feet of the west 1233.5 feet of the south 541 feet of the east one-half of the northwest quarter of Section 23, Township 31 north, Range 12 east. Said property is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described condemnation of right of way for street purposes are situated in the northwest quarter of Section Twenty-three, Township 31 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

10th

DAY OF

April 72

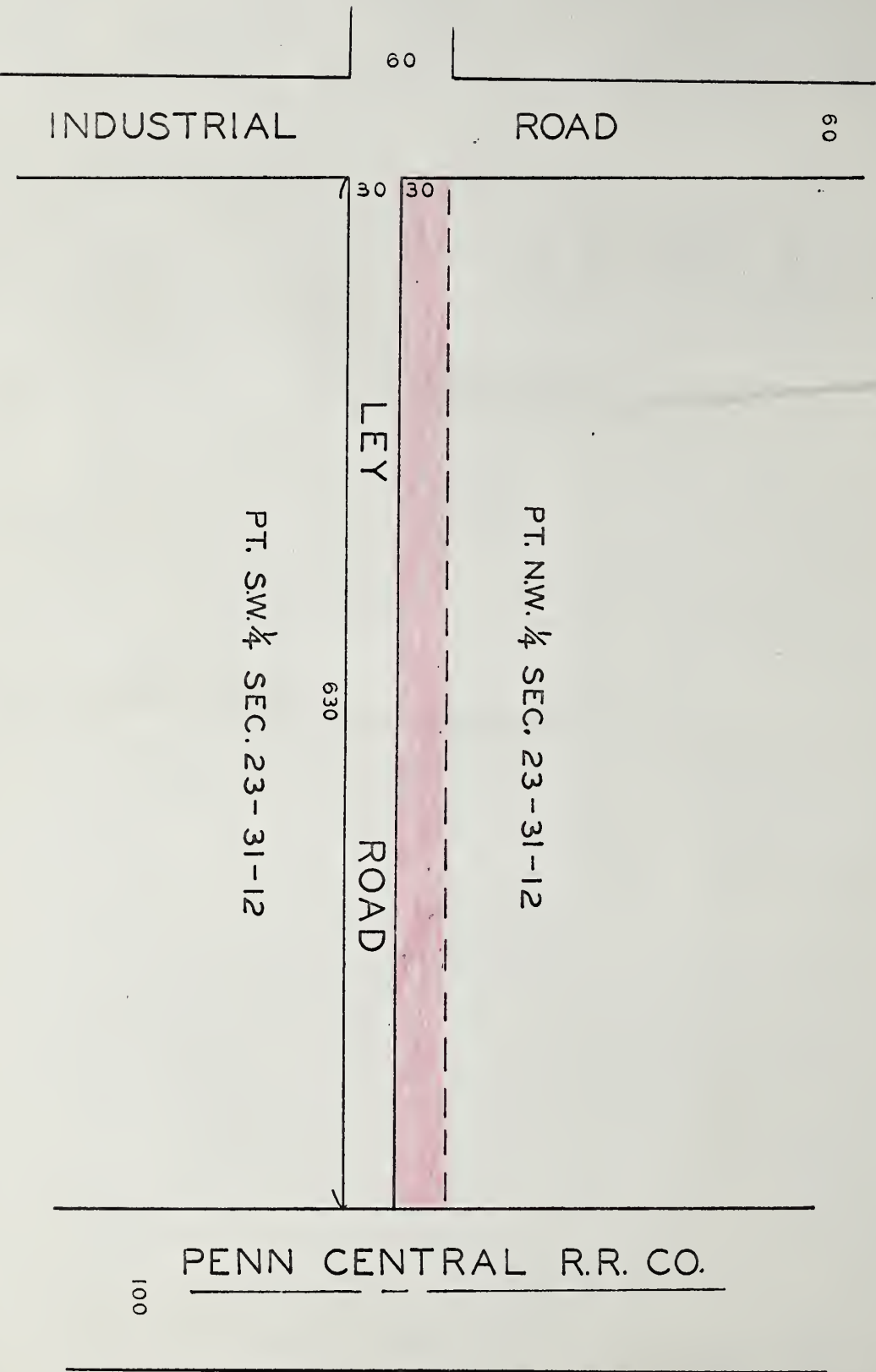
Attest:

Secretary Board of Public Works.

Board of Public Works.



TO BE CONDEMNED FOR STREET PURPOSES



ENGINEERING
DEPT. OF STREETS

DATE April 6, 1972

TO: Board of Public Works

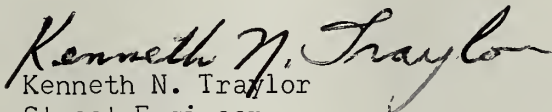
SUBJECT: Board Order No. 52-1972

Re: Declaratory Resolution No. 1317-1972 which provides for condemning street right of way for Ley Road.

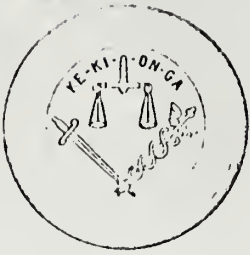
We are attaching the Declaratory Resolution, drawing and property ownership list for opening the north one-half of Ley Road between Industrial Road and the New York Central Railroad.

All remaining right of way along the Ley Road project has been dedicated.

Negotiations with the property owner were stalemated when he asked for \$10,000 plus no pavement assessment, valued at \$7500±. Therefore, in accordance to Mr. Bonar's verbal instructions, this Declaratory Resolution is submitted.


Kenneth N. Traylor
Street Engineer

KNT:lc
attachs.



THE CITY OF FORT WAYNE

NOTED

☒ J.D.B.

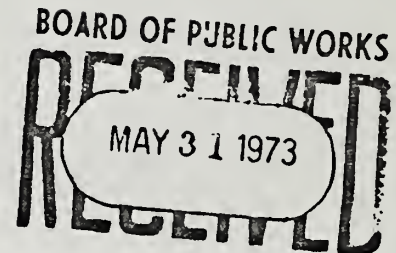
☒ R.L.B.

☒ W.G.W.

Date _____

May 30, 1973

J. T. Sullivan, Chief Engineer
Room 600, Six Penn Center Plaza
Philadelphia, Pennsylvania 19104



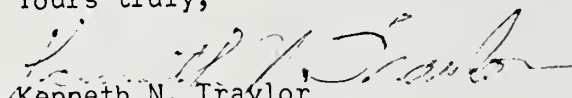
Dear Mr. Sullivan:

Subject: Fort Wayne, Indiana - Ley Road Extension Grade Crossing at
Waterloo Branch - Agreement

We are returning herewith the triplicate copies of the agreement for cancellation and redraft in accordance with your request of May 23, 1973.

Upon your review of our letter, we hope an agreement can be forwarded at an early date since construction on the project is progressing and has now reached the half way point.

Yours truly,


Kenneth N. Traylor
Chief Street Engineer

lc
Encl.

xc: Board of Works
Dr. Petro

STATE OF INDIANA
PUBLIC SERVICE COMMISSION OF INDIANA

Edna -
Sept 22
Copy - Doyle
file - B/w Leg Rd

BOARD OF PUBLIC WORKS OF FORT WAYNE,)
INDIANA VS. PENN CENTRAL TRANSPORTATION)
COMPANY: IN THE MATTER OF THE PETITION)
OF THE BOARD OF PUBLIC WORKS OF FORT)
WAYNE, INDIANA, TO ESTABLISH A GRADE)
CROSSING AND TO EXTEND A CITY STREET)
OVER THE PENNSYLVANIA RAILROAD, FORT)
WAYNE, COUNTY OF ALLEN, INDIANA.)

DOCKET NO. 32906
DENIAL ORDER
APPROVED: SEP 18 1972

APPEARANCES:

For the Petitioner, City
of Fort Wayne:

John H. Logan
Attorney at Law
910 Lincoln Tower
Fort Wayne, Indiana

For the Respondent, Penn
Central Transportation
Company and also for Can-
field Lumber, Inc.:

Calvin K. Hubbell
Attorney at Law
508 Monroe Street
Valparaiso, Indiana

For the Public:

George A. Hopkins
Assistant Public Counselor
State Office Building
Indianapolis, Indiana

BY THE COMMISSION:

By: Dale B. McLaughlin, Hearing Examiner

The petition in this matter was heard in full on July 11, 1972. After review of all the evidence, an order was issued by the Commission on July 28, 1972.

Thereafter, on August 17, 1972, the Respondent, Penn Central Transportation Company and Canfield Lumber, Inc., filed a Petition for Rehearing and a Motion for Oral Argument thereon. The Petitioner filed its objections to said Petition and Motion on September 6, 1972.

The Commission having examined the August 17, 1972, Petition and Motion and the objections filed thereto, and being duly advised in the premises and having considered all pertinent details

raised in said pleadings, now finds:

1. That all evidential matters raised in the Petition for Rehearing were considered by the Commission in making its Order of July 28, 1972.

2. That there are no manifest procedural errors in the rulings of the Examiner at the hearing in this matter.

3. That there is no statutory authority for apportionment of costs in matters of this kind in the State of Indiana.

4. That the Petition for Rehearing and Motion for Oral Argument thereon should both be overruled and it will be so ordered.

IT IS THEREFORE ORDERED BY THE PUBLIC SERVICE COMMISSION OF INDIANA that the Petition for Rehearing and Motion for Oral Argument thereon filed by Respondents on August 17, 1972, are hereby overruled.

IT IS FURTHER ORDERED that a copy of this Order be sent to the U. S. District Court for the Eastern District of Pennsylvania to be filed in Cause No. 70-347.

IT IS FURTHER ORDERED that this order shall become effective on and after the date of its approval.

HILL AND POWERS CONCUR, ALLEN ABSENT:
APPROVED: September 18, 1972

I hereby certify that the above is a true and correct copy of the Order as approved.

Leonal E. Matthews
SECRETARY

3/10/72
Edna -
filed St Joe

STATE OF INDIANA)
) ss:
COUNTY OF ALLEN)

IN THE ALLEN SUPERIOR COURT
CAUSE NUMBER S-72-2246

JOHN DEWIER, INC., et al

vs.

THE CITY OF FORT WAYNE, INDIANA,
BOARD OF PUBLIC WORKS OF THE CITY
OF FORT WAYNE, INDIANA, et al

FILED CLERK'S OFFICE
ROBERT D. HANSON, CLERK
1972 SEP 15 AM 10:47
ALLEN SUPERIOR COURT

FINDINGS OF FACT

(1) That the Defendant, City of Fort Wayne, by and through its Board of Public Works, advertised for bids for the construction and completion of the St. Joseph River Interceptor Sewers Project for the City of Fort Wayne, Indiana, Resolutions numbered 266, 267, and 268 to be received until 2:00 o'clock P.M. I.S.T., on the 13th day of June, 1972.

(2) That each prospective bidder on Resolutions numbered 266, 267, and 268 were furnished with a copy of instructions to Bidders, which instructions provided in relevant portions as follows:

"3. Each proposal shall be endorsed with the title of the work, the name of the bidder, and the date of its presentation. All bids shall be filed with the Clerk of the Board, on or before the day and hour mentioned above and stated in the advertisement, and no proposal presented after this time shall be accepted."

"15. It shall be the responsibility of the bidder to place his proposal in the hands of the Board of Works on or before the time stated for opening the proposals. If, for any reason whatsoever, including unexpected delays in delivery of United States mail, the proposal is received after the time stated for opening the proposals, the proposal will not be accepted."

(3) That Plaintiffs submitted bids pursuant to the Advertisement for Bids on the aforesaid Resolutions and in accordance with the instructions to Bidders on or before 2:00 o'clock P.M., June 13, 1972.

(4) That at 3:00 o'clock P.M. on June 13, 1972, the members of the Board of Public Works of the City of Port Wayne proceeded to open and publicly read bids submitted by the Plaintiffs herein and various other contractors who had submitted bids to the Board for Resolutions 266, 267, and two bids on Resolution 268.

(5) That at approximately 3:15 o'clock P.M. on said June 13, 1972, Hernley Bros., Inc. caused to be filed with the Clerk of the Board of Public Works, for submission to the Board, its bids on Resolutions 266, 267, and 268.

(6) That said bids of Hernley Bros., Inc. were accepted, opened, and read over the express objections of Plaintiffs.

(7) That acceptance, by the Board of Public Works, of the bids of Hernley Bros., Inc. was subsequent to the public opening and reading of all timely bids for Resolutions numbered 266 and 267 and two timely bids for Resolution numbered 268.

(8) That said bids of Hernley Bros., Inc. were low bids with respect to Resolutions No. 266, No. 267, and No. 268.

(9) That the acceptance, opening and reading of said Hernley Bros., Inc. late bids by Defendants was illegal, arbitrary and capricious, and any contracts for construction work under Resolutions No. 266, No. 267, and No. 268 which may be executed by Defendants to Hernley Bros., Inc. in reliance upon said bids would be void.

CONCLUSIONS OF LAW

(1) That the law is with the Plaintiffs herein.

(2) That a permanent injunction issue enjoining the Defendants from executing contracts to or contracting with Hernley Bros., Inc. for any work under Resolutions 266, 267, and 268.

STATE OF INDIANA : IN THE ALLEN SUPERIOR COURT
: SS:
COUNTY OF ALLEN : CAUSE NUMBER B-72-2246

JOHN DEWEY, INC., et al

VS.

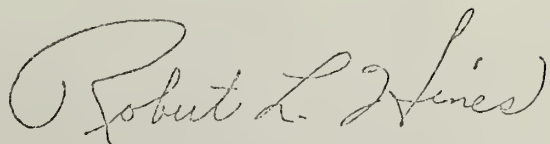
E N T R Y

CITY OF FORT WAYNE, INDIANA,
BOARD OF PUBLIC WORKS OF THE CITY
OF FORT WAYNE, INDIANA, et al

THE FOLLOWING ENTRY WAS MADE BY THE COURT ON THE 15th DAY
OF September, 1972:

"Court having had said matter under advisement now files findings of fact and conclusions of law and orders that Defendants be and are hereby permanently enjoined from executing contracts to or contracting with Hemley Bros., Inc. for any work under Resolutions of Board of Public Works of City of Fort Wayne No. 256, 257, and 268 for St. Joseph River Interceptor Sewer Sections V, VI, and VII."

DATED: September 15, 1972


JUDGE, ALLEN SUPERIOR COURT

cc: William B. Harris
Robert A. Wagner
John H. Logan
Rex McCoy

JUDGE Robert L. Hines

STATE OF INDIANA

SEP 13 1972

PUBLIC SERVICE COMMISSION OF INDIANA

WHP
WBP *(File)*

BOARD OF PUBLIC WORKS OF FORT WAYNE,)
INDIANA VS. PENN CENTRAL TRANSPORTATION)
COMPANY: IN THE MATTER OF THE PETITION)
OF THE BOARD OF PUBLIC WORKS OF FORT)
WAYNE, INDIANA, TO ESTABLISH A GRADE)
CROSSING AND TO EXTEND A CITY STREET)
OVER THE PENNSYLVANIA RAILROAD, FORT)
WAYNE, COUNTY OF ALLEN, INDIANA.)

DOCKET NO. 32906

DENIAL ORDER

APPROVED: SEP 18 1972

APPEARANCES:

For the Petitioner, City
of Fort Wayne:

John H. Logan
Attorney at Law
910 Lincoln Tower
Fort Wayne, Indiana

For the Respondent, Penn
Central Transportation
Company and also for Can-
field Lumber, Inc.:

Calvin K. Hubbell
Attorney at Law
508 Monroe Street
Valparaiso, Indiana

For the Public:

George A. Hopkins
Assistant Public Counselor
State Office Building
Indianapolis, Indiana

BY THE COMMISSION:

By: Dale B. McLaughlin, Hearing Examiner

The petition in this matter was heard in full on July 11, 1972. After review of all the evidence, an order was issued by the Commission on July 28, 1972.

Thereafter, on August 17, 1972, the Respondent, Penn Central Transportation Company and Canfield Lumber, Inc., filed a Petition for Rehearing and a Motion for Oral Argument thereon. The Petitioner filed its objections to said Petition and Motion on September 6, 1972.

The Commission having examined the August 17, 1972, Petition and Motion and the objections filed thereto, and being duly advised in the premises and having considered all pertinent details

raised in said pleadings, now finds:

1. That all evidential matters raised in the Petition for Rehearing were considered by the Commission in making its Order of July 28, 1972.

2. That there are no manifest procedural errors in the rulings of the Examiner at the hearing in this matter.

3. That there is no statutory authority for apportionment of costs in matters of this kind in the State of Indiana.

4. That the Petition for Rehearing and Motion for Oral Argument thereon should both be overruled and it will be so ordered.

IT IS THEREFORE ORDERED BY THE PUBLIC SERVICE COMMISSION OF INDIANA that the Petition for Rehearing and Motion for Oral Argument thereon filed by Respondents on August 17, 1972, are hereby overruled.

IT IS FURTHER ORDERED that a copy of this Order be sent to the U. S. District Court for the Eastern District of Pennsylvania to be filed in Cause No. 70-347.

IT IS FURTHER ORDERED that this order shall become effective on and after the date of its approval.

HILL AND POWERS CONCUR, ALLEN ABSENT:
APPROVED: September 18, 1972

I hereby certify that the above is a true and correct copy of the Order as approved.

Kendal E. Mathews
SECRETARY

RECEIVED

AUG 2 1972

CITY ENGINEERING DEPT.

STATE OF INDIANA

PUBLIC SERVICE COMMISSION OF INDIANA

Daily Route
Ley Rd Wright
WBP
Aga

BOARD OF PUBLIC WORKS OF FORT WAYNE,)
INDIANA VS. PENN CENTRAL TRANSPORTATION)
COMPANY: IN THE MATTER OF THE PETITION)
OF THE BOARD OF PUBLIC WORKS OF FORT)
WAYNE, INDIANA, TO ESTABLISH A GRADE)
CROSSING AND TO EXTEND A CITY STREET)
OVER THE PENNSYLVANIA RAILROAD, FORT)
WAYNE, COUNTY OF ALLEN, INDIANA.)

DOCKET NO. 32906

APPROVED: JUL 28 1972

APPEARANCES:

For the Petitioner, City
of Fort Wayne:

John H. Logan
Attorney at Law
910 Lincoln Tower
Fort Wayne, Indiana

For the Respondent, Penn
Central Transportation
Company and also for Can-
field Lumber, Inc.:

Calvin K. Hubbell
Attorney at Law
508 Monroe Street
Valparaiso, Indiana

For the Public:

George A. Hopkins
Assistant Public Counselor
State Office Building
Indianapolis, Indiana

BY THE COMMISSION:

By: Dale B. McLaughlin, Hearing Examiner

The petition in this case was filed March 3, 1972, by the Board of Public Works, City of Fort Wayne, Allen County, Indiana. The petition seeks the approval of the establishment of a grade crossing by the extension of Ley Road over the tracks of the respondent, Penn Central Transportation Company, all in the city and county aforesaid.

Pursuant to notice duly published as required by law, the matter was set for a hearing on July 11, 1972, and heard in full on that day with appearances as above noted.

Numerous exhibits were offered into evidence, some of which were admitted, others were not. Considerable testimony was also introduced into the record of this case. The Commission having considered all the evidence and being duly advised in the premises, now finds:

1. That the Commission has jurisdiction over the subject matter of this case and the parties hereto.

2. That the City of Fort Wayne proposes to extend Ley Road, a city east-west thoroughfare located on the north side of said city, from Lima Road east across the tracks of the Penn Central Transportation Company and connect to Speedway Drive and thereby create a new east-west passage for a growing industrial and commercial area.

3. The new road would be thirty (30) feet wide west of the tracks and twenty-four (24) feet wide east of the tracks.

4. The tracks of respondent end one mile north of the proposed grade crossing.

5. The entire area herein concerned is near the interchange of I-70 and Indiana 3. It is also near U.S. 30.

6. The tracks in the area of the proposed crossing are single tracks but a spur into Canfield Lumber, Inc. places a switch within limits of the proposed crossing and that to eliminate future difficulty the switch will have to be relocated fifty (50) feet south of the proposed crossing. If this is done there will be two tracks at the crossing.

7. There are, at the present time, two train movements a day, five days a week, that would cross the proposed grade crossing. These movements serve four industries, two to the north and two to the south of the proposed crossing.

8. Train speed in the area is 10 MPH.

9. Cost estimate for the construction of the railroad aspects of the crossing indicate a \$20,000.00 figure.

10. The proposed street project would take a portion of the south part of Canfield Lumber Company.

11. Officials of Canfield Lumber Company oppose the proposed project since they feel that traffic congestion and confusion in the area will be further complicated.

12. That though there is a difference of opinion, the traffic planners of Fort Wayne, Indiana, feel that the proposed project will

aid traffic flow in this area and even though a new grade crossing would be created the fact that few trains use the tracks in question and the low speed of such trains, the Commission concludes that the establishment of the proposed crossing will not create an unreasonably hazardous condition and that the grade crossing as proposed should be approved and it will be so ordered.

IT IS THEREFORE ORDERED BY THE PUBLIC SERVICE COMMISSION OF INDIANA that the establishment of the crossing at grade of Ley Road and the tracks of the Penn Central Transportation Company in the City of Fort Wayne, Allen County, Indiana, as proposed by the city planners of said city, is in all respects approved.

IT IS FURTHER ORDERED that the said Ley Road crossing, before being opened, shall be protected by railroad crossbuck warning signs and advance pre-warning signs, all as required by statute or law in Indiana.

IT IS FURTHER ORDERED that this order shall become effective on and after the date of its approval.

IT IS FURTHER ORDERED that Penn Central Transportation Company shall pay at this time into the Treasury of the State of Indiana, through the Secretary of this Commission, the following charges:

Reporting Charges:	<u>\$36.30</u>
Legal Advertising:	<u>\$18.60</u>
TOTAL CHARGES:	<u>\$54.90</u>

HILL, POWERS AND ALLEN CONCUR:
APPROVED: July 28, 1972

I hereby certify that the above is a true and correct copy of the order as approved.

Kendall E. Mathews
SECRETARY

HOD HARDING ■ DAHM & COMPANY

Commercial and Industrial Real Estate

1400 LINCOLN TOWER • FORT WAYNE, INDIANA 46802 • TELEPHONE (219) 742-7125

April 27, 1972

RECEIVED

Mr. Kenneth N. Traylor
Chief Engineer
Civil City Engineering
740 City-County Building
Fort Wayne, Indiana 46802

MAY 1 1972

CITY ENGINEERING DEPT.

Dear Mr. Traylor:

Pursuant to your request, I have personally inspected industrial real estate owned by C. Vincent Keairnes and Eula Keairnes, husband and wife, at 5200 Industrial Road, Fort Wayne, Indiana and legally described as:

Tract Numbered 66 (the East 660' of the West 1,233.5' of the South 541' west of the New York Central Railroad) and Tract Numbered 69 (the North 132' of the South 673' of the East 660' west of the New York Central Railroad) in the East 1/2 of the Northwest 1/4 of Section 23, Township 31 North, Range 12 East, Allen County, Indiana; and Tract Numbered 73 (the North 264' of the South 3,584.5' of the East 660' west of the New York Central Railroad) in the East 1/2 of the West 1/2 of Section 23, Township 31 North, Range 12 East, Allen County, Indiana.

The purpose of this investigation was to estimate just compensation for property to be taken by the City of Fort Wayne for the construction of Ley Road from Industrial Road on the west to Speedway Drive on the east.

It has been determined from drawings prepared by the Street Engineering Department of the City of Fort Wayne that the take proposed for the extension of Ley Road will involve the South 30' of subject property. It has further been determined that Ley Road between Industrial Road and the Penn-Central Railroad will have a 60' right-of-way of which 30' will be paved with concrete. Surface water drainage facilities, ditch and tile, will lie adjacent to the pavement.

It is the appraiser's understanding that the railroad spur serving subject property will not be altered and that no limited or controlled access rights are being acquired by the

JAMES E. HARDING, M.A.I., S.I.R., C.R.E.

MICHAEL C. DAHM, C.P.M.

City of Fort Wayne.

From matters considered pertinent to estimating just compensation with specific consideration given to before and after values, I have formed the opinion that just compensation for subject property reflects the fair market value of the property taken which, in even figures, is:

SIX THOUSAND SIX HUNDRED AND NO/100 (\$6,600.00) DOLLARS

Fair market value is defined as the highest price estimated in terms of money which a property will bring if exposed for sale in the open market, allowing a reasonable time to find a purchaser who buys with knowledge of all the uses to which it is adapted and for which it is capable of being used.

In making this appraisal, it is assumed:

That the legal description is correct;

That title to the property is good and merchantable;

That the property is free and clear of all liens;

That there are no encroachments;

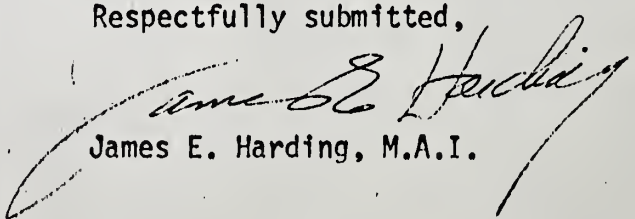
That the appraiser has made no survey of the property;

That all the data used in compiling this report was furnished by sources considered reliable, but I do not guarantee correctness;

That by reason of this appraisal I am not required to give testimony or attendance in court or at any hearing with reference to the property in question, unless arrangements have previously been made therefor;

That the value reported herein is preliminary in nature and subject to a complete and detailed analysis of the appraisal process; however, I'm of the opinion that such an analysis will not substantially change the final estimate of just compensation.

Respectfully submitted,


James E. Harding, M.A.I.

JEH/nu

House Memorandum

To Board of Public Works Date June 12, 1972

From Kenneth N. Traylor, Street Engineer

Subject Attached Memo - Declaratory Resolution No. 1317-1972

COPIES TO:

R. Bonar

Please be advised that Mr. Robert Keegan has not contacted me concerning the attached Declaratory Resolution.

Kenneth N. Traylor
Street Engineer

lc

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 52-1972

58-133-2

Date May 4, 1972

To CITY ENGINEER

Subject Declaratory Res. 1317-1972 - Ley Road from State Rd. #3 to N. Y. Central R. R.

Please prepare Assessment Roll of Benefits ~~\$1.00~~ and Damages ~~\$1.00~~ for subject resolution.

Copy of Remonstrance received for C. Vincent Keairnes and Ella R. Keairnes, filed by Attorney Robert Keegan.

Jerry D. Boswell
R. L. Bonar
W. G. Williams
BOARD OF PUBLIC WORKS

ajf

Attach. Copy of Remonstrance, P.O. List and Resolution

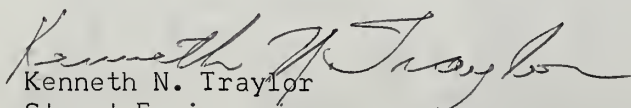
RECEIVED
MAY 8 1972
CITY ENGINEERING DEPT.

Signed _____

Reply:

June 12, 1972

Assessment roll of benefits and damages completed and attached.


Kenneth N. Traylor
Street Engineer

lc
attach.

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

LEGAL NOTICE OF PUBLIC HEARING

Public Service Commission of Indiana Docket No. 32906

NOTED

☒ D.B.

☐ R.L.B.

☐ W.G.W.

Date _____

BOARD OF PUBLIC WORKS OF FORT WAYNE, INDIANA
VS. PENN CENTRAL TRANSPORTATION COMPANY: IN
THE MATTER OF THE PETITION OF THE BOARD OF
PUBLIC WORKS OF FORT WAYNE, INDIANA, TO
ESTABLISH A GRADE CROSSING AND TO EXTEND A
CITY STREET OVER THE PENNSYLVANIA RAILROAD,
FORT WAYNE, COUNTY OF ALLEN, INDIANA.

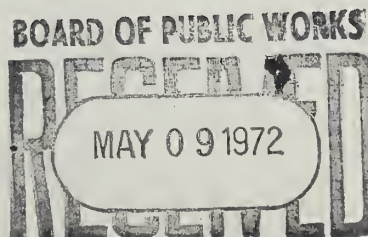
Notice is hereby given that the Public Service Commission
of Indiana will conduct public hearings in this cause in Room 908
State Office Building, Indianapolis, Ind., 1:30 P.M., EST
on May 30, 1972.

Public participation is requested.

PUBLIC SERVICE COMMISSION OF INDIANA

BY Fred J. Garland, Director
Railroad Dept.

Indianapolis, Indiana, May 5, 1972



B.O. 52-1972

58-133-2

May 4, 1972

CITY ENGINEER

Declaratory Res. 1317-1972 - Ley Road from State Rd. #3 to N. Y. Central R. R.

Please prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00 for subject resolution.

Copy of Remonstrance received for C. Vincent Keairnes and Wla R. Keairnes, filed by Attorney Robert Keegan.

Jerry D. Boswell

R. L. Bonar

W. G. Williams

BOARD OF PUBLIC WORKS

ajf

Attach. Copy of Remonstrance, P.O. List and Resolution



BEFORE THE BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE

IN THE MATTER OF THE PROPOSED)
) REMONSTRANCE OF C. VINCENT KEAIRNES
EXTENSION OF LEY ROAD UNDER) AND EULA R. KEAIRNES, HIS WIFE
)
DECLARATORY RESOLUTION 1317-72)

The undersigned property owners owning lands adjoining and contiguous to the North of that property to be condemned for the extension of Ley Road under Declaratory Resolution 1317-72 make objection to and remonstrate against the proposed assessment of additional benefits and damages which would result from said extension and resultant condemnation, and for reasons therefor, among other reasons to be assigned, say:

1. Said extension of said road would necessitate the condemnation or surrender of a valuable strip of commercial property 30 feet in depth and approximately 660 lineal feet in width along the South property line of Remonstrators' property now leased to and occupied by Canfield Lumber, Inc., a large lumber and building supply business.

2. That said extension and condemnation will not benefit the remaining adjoining property of Remonstrators and, on the contrary, will seriously diminish its market value by reducing the depth of their remaining land South of the Canfield Lumber property to 112 feet, which will be too shallow to develop commercially.

3. That the resultant added traffic on Industrial Road, if said extension of Ley Road is consummated, will make ingress and egress to and from said Canfield Lumber property difficult and will materially reduce its value as a retail and commercial property.

4. That such extension will disturb the drainage of storm waters in the area to Remonstrators' detriment.

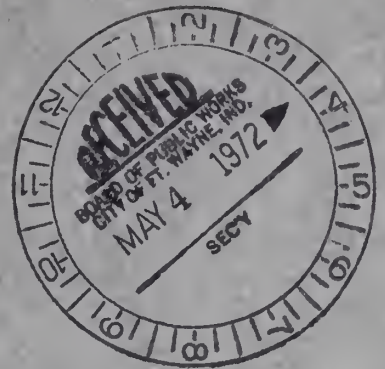
Respectfully submitted,

C. Vincent Kearnes

Erna B. Kearnes

SHOAFF, KEEGAN, BAIRD & SIMON
Attorneys for Remonstrators
2400 Fort Wayne National Bank Bldg.
Fort Wayne, Indiana 46802

BEFORE THE BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE



IN THE MATTER OF THE PROPOSED)
) REMONSTRANCE OF C. VINCENT KEAIRNES
EXTENSION OF LEY ROAD UNDER) AND EULA R. KEAIRNES, HIS WIFE
)
DECLARATORY RESOLUTION 1317-72)

The undersigned property owners owning lands adjoining and contiguous to the North of that property to be condemned for the extension of Ley Road under Declaratory Resolution 1317-72 make objection to and remonstrate against the proposed assessment of additional benefits and damages which would result from said extension and resultant condemnation, and for reasons therefor, among other reasons to be assigned, say:

1. Said extension of said road would necessitate the condemnation or surrender of a valuable strip of commercial property 30 feet in depth and approximately 660 lineal feet in width along the South property line of Remonstrators' property now leased to and occupied by Canfield Lumber, Inc., a large lumber and building supply business.
2. That said extension and condemnation will not benefit the remaining adjoining property of Remonstrators and, on the contrary, will seriously diminish its market value by reducing the depth of their remaining land South of the Canfield Lumber property to 112 feet, which will be too shallow to develop commercially.
3. That the resultant added traffic on Industrial Road, if said extension of Ley Road is consummated, will make ingress and egress to and from said Canfield Lumber property difficult and will materially reduce its value as a retail and commercial property.

4. That such extension will disturb the drainage of storm waters in the area to Remonstrators' detriment.

Respectfully submitted,

SHOFFT, KEEGAN, BAIRD & SIMON
Attorneys for Remonstrators
2400 Fort Wayne National Bank Bldg.
Fort Wayne, Indiana 46802

NOTICE TO PROPERTY OWNER

Office Board of Public Works

City Hall

Fort Wayne, Indiana...April 21, 1972.....

1317-1972

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No..1317-1972..... providing for the condemnation of right of way for street purposes across the south thirty (30) feet of the east 660 feet of the west 1233.5 feet of the south 541 feet of the east one-half of the northwest quarter of Section 23, Township 31 North, Range 12 East, to be known as Ley Road.

The Board has fixed ..Thursday, May 4, 1972 at 3:30 p.m. in Conference Rm. 910. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

East 660 feet of the West 1233.5 feet of the south 541 feet of the East 1/2 of the Northwest 1/4 of Section 23-31-12.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

NOTICE TO PROPERTY OWNERS

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 10th day of April, 1972 the said Board deeming it necessary to make certain improvements adopted the Following:

DECLARATORY RESOLUTION NO. 1317-1972

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for street purposes across the south thirty (30) feet of the east 660 feet of the west 1233.5 feet of the south 541 feet of the east one-half of the northwest quarter of Section 23, Township 31 north, Range 12 east, to be known as Ley Road.

All as shown by a plan of such proposed Condemnation of right of way for street purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana, the opening of said street is to be made by condemning and appropriating for street purposes the property described above.

The cost of said Condemnation of right of way for street purposes shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 4th day of May, 1972, as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

Dr. Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

ATTEST: Edna I. Smith, Clerk

PUBLISH: April 14, and 21, 1972.

Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head	number of lines	1
Body	number of lines	37
Tail	number of lines	5
Total number of lines in notice		43

APR 28 1972

COMPUTATION OF CHARGES

43	lines, columns wide equals equivalent lines at 288¢	12.38
cents per line		
Additional charge for notices containing rule or tabular work (50 per cent of above amount)		
Charge for extra proofs of publication (50 cents for each proof in excess of two)		
TOTAL AMOUNT OF CLAIM		12.38

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type 5 1/2 point
Number of insertions 2	Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date April 25, 1972

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that she is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

April 14, 1972

April 21, 1972

Subscribed and sworn to before me this 25th day of April 1972

A. M. Hostman
Edith Stapleton
Notary Public

My commission expires March 8, 1974

NOTICE TO PROPERTY OWNERS
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 10th day of April, 1972, the said Board deeming it necessary to make certain improvements adopted the following:
DECLARATORY RESOLUTION NO. 1317-1972
Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for street purposes across the south thirty (30) feet of the east 660 feet of the west 1233.5 feet of the south 541 feet of the east one-half of the north-west quarter of Section 24, Township 31 North, Range 12 east, to be known as Ley Road.
All as shown by a plan of such proposed purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana, the opening of said street is to be made by condemning and appropriating for street purposes the property described above.
The cost of said Condemnation of right of way for street purposes shall be assessed against the property beneficially affected thereby.
The Board of Public Works has fixed Thursday, the 4th day of May, 1972, as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.
Dr. Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS
ATTEST: Edna I. Smith, Clerk

Claim No. Warrant No.

IN FAVOR OF

\$.....

On Account of Appropriation for

Appropriation No.

Allowed....., 19.....

In the sum of \$.....

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
 } Incorrect

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions			
	1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
7	.151	.227	.302	.378
7½	.14	.21	.28	.35
8	.132	.198	.264	.33
9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 emr

Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

april 18 1972

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Total number of lines in notice	

COMPUTATION OF CHARGES

43 lines, columns wide equals equivalent lines at 288¢ cents per line	\$ 12.38
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	\$ 12.38

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type 5½ point
Number of insertions 2	Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla De Wald
CLERK

Date April 25, 1972

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

April 14, 1972

April 21, 1972

Subscribed and sworn to before me this 25th day of April 1972
Edith Stapleton
Notary Public

My commission expires March 8, 1974

Legal Notices
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Dr. Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS
ATTEST: Edna I. Smith, Clerk

Claim No..... Warrant No.....

IN FAVOR OF

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Appropriation No.....

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9	.117	.176	.234	.293
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12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Improvement Resolution No. 1317-1972 For The Condemnation Of Right Of Way For Street Purposes Across The South

THIRTY (30) FEET OF THE EAST 660 FEET OF THE WEST 1233.5 FEET OF THE SOUTH 541 FEET OF THE EAST ONE-HALF OF THE NORTHWEST
 QUARTER OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, TO BE KNOWN AS LET ROAD.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	KEAIRNES, C. VINCENT & EULA R.	1040 SOMERSET LANE				EAST 660 FT. OF THE WEST 1233.5
2						FT. OF THE SOUTH 541 FEET OF
3						THE EAST 1/2 OF THE NORTHWEST
4						1/4 OF SECTION 23-31-12
5						
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55	NOTICES MAILED OR ~~SENT~~					
56	April 24, 1972					
57	By <i>Deborah Swartz</i>					
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64						
65						
		TOTAL				

17-72

0, 1973

1972

1317-1972